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Attorneys for Defendants

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WALTER RILEY & JANE DOE RILEY,
individually and as the marital community
comprised thereof, d/b/a RILEY'S
RIVERS RANCH ,

Defendants.

Case No.: 2:18-cv-00024

ANSWER TO COMPLAINT FOR

TRESPASS, ENCROACHMENT,

DAMAGES, DECLARATORY AND

INJUNCTIVE RELIEF

For answer to Plaintiff's Complaint, these answering Defendants admit, deny, and allege as follows:

1. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 1 and therefore denies them;

2. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 2 and therefore denies them;

3. Admit paragraph 3;

4. Admit paragraph 4;

5. Admit paragraph 5;

6. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 6 and therefore denies them;

7. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 7 and therefore denies them;

8. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 8 and therefore denies them;

9. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 9 and therefore denies them;

10. For answer to paragraph 10 these answering Defendants deny any trespass and Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations set forth in paragraph 10 and therefore denies them;

11. Admit paragraph 11;

12. For answer to paragraph 12 these answering Defendants deny ownership of 11,120 acres of land of which all but 12.5 acres are located in Garfield, Spokane, and Whitman Counties, and Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations set forth in paragraph 12 and therefore denies them;

13. Deny that from at least 2011, Defendants have persistently and continuously placed and/or allowed livestock and other personal property to enter or be on the public lands, and Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations set forth in paragraph 13 and therefore denies them;

13 (i). Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 13(i) and therefore denies them;

13(ii) Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 13(ii) and therefore denies them;

13(iii) Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 13(iii) and therefore denies them;

13(iv) Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 13(iv) and therefore denies them;

13(v) Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 13(v) and therefore denies them;

13(vi) Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 13(vi) and therefore denies them;

13(vii) Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 13(vii) and therefore denies them;

13(viii) Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 13(viii) and therefore denies them;

13(ix) Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 13(ix) and therefore denies them;

13(x) Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 13(x) and therefore denies them;

13(xi) Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 13(xi) and therefore denies them;

13(xii) Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 13(xii) and therefore denies them;

13(xiii) Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 13(xiii) and therefore denies them;

13(xiv) Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 13(xiv) and therefore denies them;

13(xv) Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 13(xv) and therefore denies them;

1.14. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 14 and therefore denies them;

15. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 15 and therefore denies them;

16. Defendants deny any unlawful practices, and Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations set forth in paragraph 16 and therefore denies them;

17. Defendants deny that the Corps manage the land, Defendants deny their obligation to build any fence, Defendants deny that they have maintained a winter

feedlot on Corps-managed lands, and Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations set forth in paragraph 17 and therefore denies them;

18. Deny the allegations of paragraph 18;

19. Deny the allegations of paragraph 19;

20. Defendants deny any unlawful or unauthorized conversion of federal lands for their own private and/or commercial use, and Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations set forth in paragraph 20 and therefore denies them;

21. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 21 and therefore denies them;

21(i). Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 21(i) and therefore denies them;

21(ii). Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 21(ii) and therefore denies them;

21(iii). Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 21(iii) and therefore denies them;

21(iv). Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 21(iv) and therefore denies them;

21(v). Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 21(v) and therefore denies them;

21(vi). Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 21(vi) and therefore denies them;

21(vii). Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 21(vii) and therefore denies them;

21(viii). Defendants deny the Corps misstatement of what occurred in 21(viii). Defendants were told by the Corps that paying administrative costs would not guarantee that the land exchange would take place. Nor were Defendants given a set cost of what the administrative costs would be. Defendants were unwilling to agree to pay an undisclosed amount, and Defendants lack knowledge or information sufficient to form a

belief about the truth of the remaining allegations set forth in paragraph 21(viii) and therefore denies them;

21(ix) Defendants deny that they failed to identify suitable substitute lands to initiate the land exchange, and Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations set forth in paragraph 21(ix) and therefore denies them;

21(x) Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 21(x) and therefore denies them;

21(xi) Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 21(xi) and therefore denies them;

21(xii) Defendants deny the misstatements of 21(xii) and further deny that they were not interested in resolving the matter, and Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations set forth in paragraph 21(xii) and therefore denies them;

21(xiii) Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 21(xiii) and therefore denies them;

21(xv) Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 21(xv) and therefore denies them;

22. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 21(xvi) and therefore denies them;

23. Deny the allegations of paragraph 23;

24. Deny the allegations of paragraph 24;

25. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 25 and therefore denies them;

26. Defendants deny any construction of a road, building, concrete slab, structures, and feedlot and Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations set forth in paragraph 26 and therefore denies them;

27. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 27 and therefore denies them;

28. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 28 and therefore denies them;

29. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 29 and therefore denies them;

30. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 30 and therefore denies them;

31. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 31 and therefore denies them;

32. Deny the allegations of paragraph 32;

33. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 33 and therefore denies them;

34. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 34 and therefore denies them;

35. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 35 and therefore denies them;

36. Deny the allegations of paragraph 36;

37. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 37 and therefore denies them;

38. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 38 and therefore denies them;

39. Defendants deny any allegations not expressly admitted. Deny the balance of said Complaint.

AFFIRMATIVE DEFENSES

HAVING ANSWERED Plaintiff's Complaint, Defendants now assert the following affirmative defenses:

40. Defendants reallege the paragraphs above in this Answer to Complaint.

41. Plaintiff has failed to state a claim upon which relief may be granted.

42. Plaintiff's damages, if any, were caused by acts or omissions of the Plaintiffs or third parties over which Defendant had no control.

43. Plaintiff's claims are barred by the statute of limitations or statute of frauds.

44. Plaintiffs have failed to mitigate any loss they allege.

45. Plaintiff has unclean hands in this matter due to unfair conduct, unconscionable conduct, or an inequitable advantage.

46. Plaintiff is barred by the doctrine of laches.

47. Plaintiff is barred by the doctrine of equitable estoppel.

48. Defendants allege waiver, consent, fault of agent, and apportionment of fault as additional affirmative defenses.

49. Defendants presently have insufficient knowledge or information on which to form a belief as to whether there may be additional, as yet unstated, affirmative defenses available. Defendants reserve the right to assert additional defenses in the event that discovery indicates that they would be appropriate.

WHEREFORE, having fully answered Plaintiff's Complaint, these answering Defendants pray for the following relief:

1. Denying any relief to Plaintiff, including all damages and injunctive relief sought, and determining that they lack standing to bring this action;
2. Determining the rights and priorities of the parties;

3. Awarding these answering Defendants their costs and reasonable attorney fees against Plaintiff;
4. Granting these answering Defendants such additional relief as is just and equitable.

RESPECTFULLY SUBMITTED this 21th day of March, 2018.

/s/Karen Budd-Falen

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 21th day of March, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Vanessa R. Waldref

Rudy J. Verschoor

Assistant U.S. Attorneys

JOSEPH H. HARRINGTON

P.O. Box 1494

Spokane, WA 99210-1484

/s/Toni Meacham_____